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EXAMINER

DEXTER, CLARK F

ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ATTACHMENT TO ADVISORY ACTION (paper no. 6)

Response to Arguments

Applicant's arguments filed July 13, 2010 have been fully considered but they are not persuasive.

In the paragraph bridging pages 7-8 of the subject response, applicant argues the following:

“The connecting element disclosed in the reference is not flexibly guided over a slanted surface with a surface contact therebetween. It is completely clear and can be seen from consideration of Figure 4 of the reference, a wire or cable having a smaller diameter can be guided in a jacket having a larger diameter only with a line contact between the outer surface of the wire or cable and the inner surface of the jacket. Thus, this feature of the present invention is also not disclosed in the patent to Rice.”

The Examiner respectfully disagrees with applicant's analysis. First, it is respectfully submitted that it is not clear as to how applicant intends to distinguish a “line contact” versus a “surface contact.” However, surface contact requires contact between at least one point on each surface. Clearly, a line contact meets such a requirement in that contact occurs between multiple points on each surface and thus the prior art teaches this claimed feature. Second, although not clearly argued, it is clear to one having ordinary skill in the art that the cable 26 contacts the upper interior surface of the jacket 27 due to the tension applied to cable 26 thus providing the surface/line contact. Further, the cable, which moves longitudinally during adjustment, curves around the bend in jacket 27 which includes the slanted surface thereof. As the cable is moved with

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respect to the jacket, the cable flexes or bends around the curved portion of the jacket. Thus, it is respectfully submitted that the cable is flexibly guided over a slanted surface with a surface contact therebetween.

In the second paragraph on page 8 of the subject response, applicant argues that:

"Finally, the connecting element disclosed in the patent to Rice is not flexibly guided on a slanted surface."

The Examiner respectfully disagrees and directs applicant's attention to the above explanation which explains how Rice teaches that the connecting element is flexibly guided on a slanted surface (i.e., the angled or slanted surface of the jacket).

In the fourth paragraph on page 8 of the subject response, applicant argues that:

"The slots (43) of the guide posts (42) definitely is not a slanted surface, and the strip (36) definitely is not guided on a slanted surface in a surface contact with the latter. Instead it is flexibly guided through the slots (43) of the discreet, individual, spaced-apart guide posts (42). This reference also does not teach the new features of the present invention which are now defined in Claims 22 and 35."

The Examiner respectfully disagrees. It is respectfully submitted that the slots of the guide posts clearly have surfaces that contact the strip, and these surfaces are clearly slanted or angled with respect to other features of the device and with respect to horizontal and vertical axes. Further, there is clearly contact between the surfaces again due to the tension applied to the strip. Thus, Meyer et al. clearly teaches slanted surfaces. Further, the path of the connecting element as taught by the prior art including Rice includes a slanted guide. Thus, it is respectfully submitted that the prior art teaches

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a connecting element that is flexibly guided over a slanted surface with a surface contact therebetween.

In the fifth paragraph on page 8 of the subject response, applicant argues that:

“Both references also does not have a ramp over which the flexible connecting element formed as a sheet element is flexibly guided with a surface contact therebetween.”

The Examiner respectfully disagrees with applicant's analysis. It is respectfully submitted that a “ramp” can fairly and broadly be interpreted to include a slanted surface and, as explained above, it is respectfully submitted that the prior art teaches such a slanted surface.

In the second paragraph on page 9 of the subject response, the Examiner respectfully disagrees with applicant's arguments. It is respectfully submitted that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art.

In the third paragraph on page 10 of the subject response, applicant argues that:

“Neither the Rice reference nor the Meyer reference disclose a device with two switches, in which both switches are connected exclusively to one flat surface of the sheet-formed connecting element, so as to leave the other flat surface unobstructed and fully available for guiding the sheet-formed connecting element on a slanted surface or a ramp.”

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The Examiner respectfully disagrees with applicant's analysis. There is nothing in the claims which require the "exclusive" connection as argued; that is, that both switches are exclusively connected to one flat surface of the sheet-formed connecting element. Rather, the claim only requires that the claimed elements are connected and it is respectfully submitted that the prior art teaches and/or suggests such a limitation.

Therefore, for at least the above reasons, it is respectfully submitted that the prior art fairly teaches and/or suggests the claimed invention and thus the prior art rejections must be maintained.

It is noted that while the Examiner would agree that the present invention is substantially different than what is taught by the prior art, it is respectfully submitted that such differences have not been sufficiently claimed. Applicant is welcome to contact the Examiner to discuss and/or explore claim language to distinguish over the applied prior art.

cfd
July 15, 2010